

Application Ser. No. 10/033,091
Attorney Docket No. 4740-019
Client Ref. No. P15080-US1

REMARKS

The Final Office Action allows pending claims 1-57 and 59-63, but rejects independent claim 58 based on the assertion that the phrase "adapted to" is not a limiting phrase. Applicant argued the legal error of that unqualified assertion in its response to the prior non-final Office Action.

To better understand the Patent Office's position regarding the rejection of claim 58 and the use of the phrase "adapted to," the undersigned attorney called the assigned examiner, who recommended contacting SPE Chin. Thus, on 26 April 2006, the undersigned attorney called SPE Chin, who kindly made time for a detailed and productive discussion of claim 58 and the surrounding rejection issues. With the ongoing caseload of work faced by the Patent Office, the individual efforts made by persons such as SPE Chin to provide meaningful, personal support to patent applicants is remarkable and most appreciated.

As regards the specific discussion, SPE Chin initially argued that the Patent Office was correct in rejecting claim 58, and he explained that the Final Office Action perhaps did not articulate the basis of the rejection as well as it might have. As explained by SPE Chin, the real concern held by the Patent Office was that the limitations ascribed to the Base Station Controller (BSC) in claim 58 represented "optional" steps that may be performed by the BSC, but are not necessarily performed by it.

As the undersigned attorney pointed out, claim 58 includes the following unambiguous limitations:

a base station controller (BSC) comprising at least one processor adapted to control remote vocoding operations such that voice frames sent to the BSC for transmission to a mobile station may be temporarily rate-constrained in support of the BSC sending signaling messages to the mobile station using dim-and-burst signaling; and
a media gateway comprising at least one processor adapted to rate-constrain voice frames sent from the media gateway to the BSC for the mobile station responsive to control messages from the BSC, and wherein the BSC generates control messages such that each control message defines a desired rate-constraint value and a corresponding frame count

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value specifying the number of frames to which the rate-constraint value should be applied.

(Emphasis added.)

Thus, the undersigned attorney noted that claim 58 makes clear the cooperative relationship between the BSC and the media gateway, and explicitly claims that the BSC does generate control messages directing the media gateway to rate-constrain voice frames sent from the media gateway to the BSC.

The undersigned attorney's understanding is that SPE Chin now agrees with the assertion that claim 58 is definite and allowable as written, and that examination will proceed with allowance of all claims upon submission of these formal remarks into the record. If there are any issues unresolved, or if this submission does not comport with SPE Chin's understanding of the matter, kindly contact the undersigned attorney. Otherwise, Applicant looks forward to timely allowance of this matter.

Respectfully submitted,

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